

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1450 of 1981

(WITH CROSS OBJECTIONS)

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PRAVINBHAI RAOJIBHAI DESAI

Versus

MANIBEN WD/O.BAGDAJI BADAJI MARWADI

Appearance:

MR PK PAREKH for Appellant
None present for other Respondents
MR PV NANAVALI for Respondent No.5

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/09/98

ORAL JUDGMENT

#. This Appeal has arisen from the award of the Workmen's Compensation Commissioner and Civil Judge (S.D.), Nadiad, made on 23rd June 1981, in Workman's Compensation Claim No.7 of 1980, under which the

claimants-respondents No.1 to 4 were awarded Rs.18,000/= with running interest at the rate of 6% from the date of application till realization and the costs from the appellant-employer and the respondent No.5-Insurance Company.

#. The employer filed this Appeal and the Insurance Company filed cross objections against that part of the award where liability to indemnify the insurer for this amount of compensation has been challenged.

#. The learned counsel for the appellant states that the amount of compensation awarded together with interest thereon by the Commissioner for Workmen's Compensation has already been paid to the claimants respondents No.1 to 4 and in view of this fact, now nothing survives in this Appeal and the same may be dismissed.

#. So far as the cross-objections filed by the Insurance Company are concerned, the learned counsel for the Insurance Company states that in view of the aforesaid statement made by the learned counsel for the appellant, the same has become infructuous. However, the learned counsel for the Insurance Company apprehends that the appellant may claim the amount of compensation and interest paid by him to the claimants-respondents No.1 to 4 from the Insurance Company.

#. The learned counsel for the appellant-employer, in reply to this submission of the learned counsel for the Insurance Company, very fairly submitted that the appellant will not make any claim for the amount of compensation awarded by the Workmen's Compensation Commissioner together with interest thereon which amount has been paid by the employer to the claimants from the Insurance Company.

#. In view of this statement made by the learned counsel for the appellant, now the apprehension which has been shown by the learned counsel for the Insurance Company also does not survive.

#. In the result, this Appeal is dismissed on the statement made by the learned counsel for the Appellant. The learned counsel for the respondent No.5, on the statement made by learned counsel for the appellant, prays for withdrawal of Cross Objections and the same are dismissed as withdrawn. Parties are directed to bear their own costs.

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(sunil)